





# KENTUCKY STATE CONVENTION.

## OFFICIAL REPORTS.

MR. E. SUTTON, CHIEF REPORTER.

WEDNESDAY, OCTOBER 17, 1849.

Prayer by the Rev. Mr. LANCASIER.  
Mr. MEIKWITHER, who has been detained from the convention for several days by severe indisposition, this morning resumed his seat.

### EXPLANATION.

Mr. TURNER rose to correct a misapprehension of the remarks he made a few days since, on presenting the report of the committee of which he was a member, with which the committee were dissatisfied.

What he intended to say on that occasion was, that there were several members of the committee who did not concur in the report so far as it affected the election of several of the minor officers, such as surveyors, coroners, and jailers, but that a majority was in favor of electing those officers—and also, that one member of the committee did not concur in the proposed restriction as to age to be required of the candidates for office, as the people ought to be the sole judges, and had a right to elect a man of any age they thought proper.

Mr. GAITHER was glad the chairman of the committee had made this explanation, but did not think it went far enough to meet the imputation which his remarks had cast upon him, and at least one member of the committee.

Mr. GAITHER said that one member of the committee was not disposed to have any restriction as to the age, qualification, or any thing else of candidates for office. That was an awkward position to be placed in, and one which he did not wish to be charged with having assumed. It was his lot to differ with the gentleman and others of the committee, in relation to what is called the conservative principle, but he wanted mature age to be required, although he was opposed to some other restrictions.

Mr. TURNER had understood the gentleman's position to be as he (Mr. T.) had before stated, but if he was mistaken he would be happy to be corrected.

Mr. TURNER was very glad then that the gentleman had corrected him.

After some other observations the conversation dropped.

### REPORT FROM A COMMITTEE.

Mr. DESHA, from the committee on militia, made the following report, which, on his motion, was referred to the committee of the whole and ordered to be printed:

### ARTICLE I.

Sec. 1. The militia of this commonwealth shall consist of all the free, able-bodied male persons (negroes, mulattoes, and Indians excepted) resident in the same, between the ages of eighteen and forty-five years, except such persons as now are, or hereafter may be, exempted by the laws of the United States, or of this State; but those who belong to religious societies whose tenets forbid them to carry arms shall not be compelled to do so, but shall pay an equivalent for personal services.

Sec. 2. The governor shall appoint the adjutant general, and his other staff officers; the major general, brigadier general, and commandants of regiments shall be appointed by the governor; and commanders of companies shall be appointed by their non-commissioned officers.

Sec. 3. All other militia officers shall be elected by persons subject to military duty, within the bounds of their respective companies, battalions, regiments, brigades, and divisions, under such rules and regulations as the legislature may, from time to time, direct and establish.

### POPULAR ELECTIONS.

Mr. GHOLSON offered the following resolution, and called for the yeas and nays thereon.  
*Resolved*, That the good people of this commonwealth are fully competent to judge of, and decide upon, the qualifications of all candidates for any office, whether the same be legislative, executive, judicial, or ministerial; wherefore, a certificate of election, according to law, is the only certificate of qualifications that shall ever be required to enable any citizen to enter upon the discharge of the duties of the office to which he may be elected.

Mr. FRIZZELL. Are we to vote upon that resolution without discussion or forethought, and adopt as a constitutional provision now, instantly, unhesitatingly, a matter of as much importance as probably any other provision that is likely to be introduced into this constitution? Do any of our rules authorize the calling of the yeas and nays before we have had any time to ascertain the full length, and breadth, and depth of a proposition like this? For one, I am not prepared to vote for it throughout, or against it throughout. I want time for reflection; and let me say to the honorable member of the proposition that I am rather inclined to think he himself wants time to reflect upon the subject. Is he prepared now to say that the judges of the court of appeals shall have no qualifications whatever; and whether they are twenty-one years of age or not, or learned in the laws of the land or not, is immaterial, because the people are competent to judge of them? That may be so, or it may not be so. The gentleman from Ballard must bear in mind it is a physical impossibility, that in the very nature of things, all the voters who are to vote for or against the election of judges of the court of appeals can be acquainted with their qualifications. The present proposition is to elect four judges of the court of appeals, one in each district; but suppose it is not adopted by the convention, but that the four judges shall be elected by all the voters of the state—does the gentleman intend to lay down the proposition that the voters of the county of Daviess are not to be entitled to all the light that can be given to them when they come to vote for a candidate that may reside in the county of Bracken, or Knox, or Harlan, or in any of the most remote counties of the state? And the same may be said upon the subject of electing the clerks of the court of appeals—I understand that we are to elect four clerks of that court, and have four different sets of records. It is a fair presumption, when the people of the state have sent one hundred members to this convention, that they are at least a fair sample of the intelligence of the state. Why send them at all, unless at least they are an average, if not above an average, of the general intelligence of the people of Kentucky. But I acknowledge that I am not very well qualified to judge what are the proper qualifications of a clerk of the court of appeals. Hereafter, when the judges of the court of appeals are to give the office to whom they please, there was an examination of the candidate duly made before them, and it was only upon a certificate that he was competent to make a good clerk that he received the appointment! Are not the people entitled to have this information conveyed to them? Of the whole of the one hundred members in this body, except half a dozen, perhaps, and the political lion of the tribe of Judah, from Nelson, and his colleague, and some other old lawyers, there are none who are competent to judge of the qualifications of a clerk. As for myself and others around me, I think we are not qualified; and it is but right that we should have all the information on the subject we can possibly obtain. At all events, I hope the resolution may be laid over for a time, and that we shall not be compelled to vote on it just now.

Mr. HARDIN. I concur in all that was said by my friend just up, except in his compliment to myself, and to that I dissent. I do not want to vote on this resolution at this time, nor is it necessary for us to show in our reports every day, that we are willing to return the election of officers to the people. And when the committee on circuit courts, of which I have the honor to be a member, and of which my worthy friend from Ballard is a most worthy

member, shall report, and I hope it will be in a day or two, we shall show that we too are determined to trust them. We came here with that view, and it is not worth while to make a general declaration of it. The report of the committee has been made from other committees, and shows that we are in favor of restoring to the people their rights. As to this sweeping resolution proposed by the gentleman, I suppose if it means anything, it intends to strike at some of the details of the report in reference to circuit and county courts, it may be, the provision that no man shall be run as a candidate for the office of clerk unless he is qualified and that he must be examined and get a certificate of his ability. I think it is a very valuable requisition to say to a man who comes forward as a candidate, you shall have the testimony of your qualifications, and you shall not be elected because you are a successful demagogue on the stump. I am greatly in favor of throwing back all the power to where it originally belonged, (the people), but let us not run the thing too far. Let us not go too far. We are pressing it too far if we say that men shall be elected clerks, who perhaps were scarcely ever in a clerk's office in their lives. We have prejudices to overcome in establishing this new system; and indeed one of the very objections I have heard urged against the elective system was in regard to this very subject of the election of clerks. So far as I was concerned, I always gave it the go-by, by saying it was time enough; but I always intended to guard against it, when the opportunity offered. I was striking at the great officers of this commonwealth—and when I go out to hunt such game as the grisly bear of the Rocky Mountains, I do not stop to trouble myself about the little bears that arise here and there, but leave them to be attended to by my hunters. And that is the way I got rid of the election of clerks in the election; but I never did intend, so far as I could prevent it, that a man should be elected clerk without the proper qualifications. I hope we may give the subject the go-by at present, and that the resolution may be printed.

I know that my friend from Ballard labors to the same end that I do—to give the great elective franchise to the people, where it naturally and of right belongs. But let us labor to make a good system, without running into too much detail. When I have done that, I shall feel as James Edwards' negro did, when he saw his master after a long absence. Said he, "I have seen the face of my master, my God be to me." When I have seen such a system secured, I shall be willing to go.

Mr. HEWITT. I rise, sir, simply to make a motion. I am unprepared to vote for the resolution of the gentleman from Ballard, (Mr. Gholson), not that I am unwilling to trust the people, but that I do not feel that I am competent to select proper officers—but that I conceive it necessary that the resolution should be considered. I am willing to trust the people when they desire to be trusted, but surely every officer should have some qualifications. I move that the resolution lie on the table for the present and be printed.

Mr. CLARKE. I barely desire to remark that upon general principles, I am inclined to concur with my friend from Ballard, and think that ultimately I shall support his resolution. It involves a great principle, and one that perhaps ought more deliberately and more maturely to engage the consideration of the convention. I am willing to concede that the clerks ought to be qualified to the discharge of the duties of their respective offices, because the clerk of the circuit court, the county court, and the court of appeals have very important and responsible duties to perform. But there is nothing connected with the discharge of the duties of a clerk in which the people, among whom he lives, are not directly and immediately interested. I hold it to be equally important that a legislator should be qualified to discharge his duties, when he is called upon to take a seat in either branch of the legislature, and have gone through a thorough examination. Is there any gentleman on this floor who proposes that when a candidate presents himself for election, he shall be a tribunal created by the constitution through which he shall pass and be favored or disfavored by the people, and is called upon to take a seat in either branch?

When he is elected by the people, and takes his seat, he has then one-third of the sovereignty of the state in his own hands. He becomes a part of the law-making power of the state. It is not insisted upon that he shall undergo an examination before he takes that position, but it is insisted that a clerk shall be so much more qualified to take a seat in either branch of the legislature, and have gone through a thorough examination. Is there any gentleman on this floor who proposes that when a candidate presents himself for election, he shall be a tribunal created by the constitution through which he shall pass and be favored or disfavored by the people, and is called upon to take a seat in either branch?

When he is elected by the people, and takes his seat, he has then one-third of the sovereignty of the state in his own hands. He becomes a part of the law-making power of the state. It is not insisted upon that he shall undergo an examination before he takes that position, but it is insisted that a clerk shall be so much more qualified to take a seat in either branch of the legislature, and have gone through a thorough examination. Is there any gentleman on this floor who proposes that when a candidate presents himself for election, he shall be a tribunal created by the constitution through which he shall pass and be favored or disfavored by the people, and is called upon to take a seat in either branch?

When he is elected by the people, and takes his seat, he has then one-third of the sovereignty of the state in his own hands. He becomes a part of the law-making power of the state. It is not insisted upon that he shall undergo an examination before he takes that position, but it is insisted that a clerk shall be so much more qualified to take a seat in either branch of the legislature, and have gone through a thorough examination. Is there any gentleman on this floor who proposes that when a candidate presents himself for election, he shall be a tribunal created by the constitution through which he shall pass and be favored or disfavored by the people, and is called upon to take a seat in either branch?

When he is elected by the people, and takes his seat, he has then one-third of the sovereignty of the state in his own hands. He becomes a part of the law-making power of the state. It is not insisted upon that he shall undergo an examination before he takes that position, but it is insisted that a clerk shall be so much more qualified to take a seat in either branch of the legislature, and have gone through a thorough examination. Is there any gentleman on this floor who proposes that when a candidate presents himself for election, he shall be a tribunal created by the constitution through which he shall pass and be favored or disfavored by the people, and is called upon to take a seat in either branch?

restraints upon the rights of the people so highly commented upon. Is it not furthermore provided that he shall live in the district where he is chosen? Yes. Is it furthermore provided that he shall be a resident of the district for eight years? Yes; because the committee very properly took up the idea that it was not the best speaker who would make the best judge. There is not a qualification necessary for a governor? To be sure. Is there not a qualification as to his age? Yes. And we must now and then impose those kinds of restraints, to guard against the very volume of eloquence that we have heard to-day, or our government runs into what is called a mobocracy, instead of a free representative republic. It is to guard against that state of things that these qualifications are necessarily required. Do we not know that it is of vast importance that none but a man learned in the law should be a judge? And should not the candidate be learned in his profession before you make him a clerk? Is not one just as requisite as the other? And shall we elect the best stump speaker, if you choose, or the man who can organize and "dicker" the most voters at the polls? Is it possible that we are going to do any thing of this kind? I have run this thing

as far as I can, but the gentleman out Herod me, I impose some wholesome restraints as qualifications upon all the officers put before the people. Let our governor be qualified as to age and residence; let the judges of the courts of appeals be qualified as to age, residence, and legal attainments; and let our judges of the circuit courts be qualified in the same respects. Yes, sir, and there is another class of men, who are called the Queen's solicitors, and it would be more tasteful to the country, should require some qualifications before we throw them before the majority of the people. I have seen many a young man, who, dressed himself very kindly to the sympathies of the people, and yet possessed no qualification beyond that. I hope, therefore, we shall not vote upon this resolution, and the subject will soon come up in its appropriate place.

Mr. CLARKE. I am aware that it is owing to the over-flowing kindness of the gentleman from Nelson, rather than to any merit of my own, that I have received the compliment which he has just paid me. I am not opposed to qualifications, but when the gentleman suggests that I should not say that a clerk of judges should not be qualified, but I maintained this ground, that the people were competent to judge of his qualifications, and it was predicated upon the idea, that in the exercise of their sound judgment and well matured discretion, they would make a proper selection. That is the ground I take. And that is the reason I do not feel that I should not be qualified to discharge the duties of his office; but I assumed the ground which is assumed in the resolution of the gentleman from Ballard, that the people alone are qualified to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of the qualifications of a President of the United States, whose hands are thrown out to diplicate relations existing between this country and foreign nations, and who yields more patronage and power than any other officer, or ten officers in the United States, I maintain they are competent to judge of the qualifications of a clerk, whether of the circuit court or of the court of appeals. I have assumed, and that is the ground I take, that the people are competent to judge of his qualifications. If they are qualified to judge of



# FRANKFORT.

THURSDAY OCTOBER 18, 1849.

JOHN W. FINNELL, Editor.

A project has been set on foot to construct a branch railroad from Shelbyville, to intersect the main-line of railroad from Frankfort to Louisville. The News favors the building of the road, and estimates the probable cost at \$50,000 or \$60,000.

The great railroad convention assembled in St. Louis on Tuesday. Mr. A. Douglas, of Illinois, was called to the chair, and delivered a brief and eloquent address. A number of Vice Presidents were appointed, among whom we find the name of H. J. Eastin, Esq., of Kentucky. A resolution was introduced calling on congress to act promptly relative to the Pacific railroad. Mr. Benton rose and read a letter just received from Col. Fremont, stating that the convention should designate no route across the Rocky Mountains. He believed the pass between the head waters of the Arkansas and del Norte the most practicable and nearest. Gen. Persifer F. Smith had sent out exploring parties with a view to report to congress. He dwelt long and eloquently upon the importance and nationality of the road.

The convention is very large: 464 from Missouri, 17 from Pennsylvania, 3 from New York, Ohio 20, Tennessee 13, Indiana 35, Kentucky 3, Illinois 24, Iowa 47, Wisconsin 3, Michigan 5.

A resolution was adopted that a committee of one from each state draft a memorial to congress presenting the objects and designs of the convention. Judge Price offered a resolution recommending the 40th degree of latitude as the best route for the railroad. Gov. King, of Missouri, spoke warmly upon the same, as the project was opposed to that of Col. Benton. A political division of the democrats of Missouri has manifested itself. Gen. Clarke, of Missouri, interfered to quell all dispute, and was followed by Judge Williams, who delivered a very able and eloquent speech. Mr. Lathrop, of Louisiana, moved to lay the resolution upon the table, when harmony was temporarily restored. Letters from various distinguished persons from various parts of the Union were ordered to be printed. The report of the Topographical Engineer of Washington on various routes, was referred to the committee on Resolutions.

We gather the foregoing facts from the telegraphic despatch to the Louisville papers of yesterday.

The Louisville Courier of yesterday, contains several California items of interest, gleaned from the letters of several of the former citizens of Louisville, now in the gold regions. The company under E. BRYANT, Esq., made the trip from Independence to San Francisco, in eighty-five days. Mr. Bryant had been quite ill—had lost about forty pounds in flesh—but was recovering, and had the gratification to find himself a man of wealth; made so by the rapid appreciation in value of his town property in San Francisco! We congratulate him upon his good fortune, and we trust that he may be restored to health, and that he may live many years to enjoy his newly acquired fortune.

In referring to the report of the committee on the court of appeals, reported by Mr. C. A. WICKLIFFE, and now under discussion in the Convention, the *Shelby News*, of Wednesday, says:

The project for the court of appeals, shadowed forth in a letter in the News last week, is given at length to-day. If we must have an elective judiciary, the project may do, with the exception of the migratory principle. That is abominable; and we have yet to hear the first approval.

The vote of the people of Ohio, on the proposition for a convention to amend the constitution of the state, is not yet distinctly ascertained, but it is thought that the constitutional majority in favor of the proposition has not been secured.

The Cincinnati *Atlas* says, that great difficulty was found in empanelling a jury to try McCabe, charged with murder; several who were called to the jury box, and examined on oath, declared they could not find him guilty of murder in the first degree, though the evidence might be ever so plain—they were conscientiously opposed to the death penalty.

A New Work by Mr. CALHOUN.—The New York Courier understands that the Messrs. Harpers will publish before a great while, from the pen of John C. Calhoun, a Treatise on the Elementary Principles of Government and the Constitution of the United States.

CHOLERA AT SEA.—Thirty-six passengers died of Cholera, on the ship *Columbus*, which arrived at New York on Sunday from Liverpool, and five on board the *Hottinger*, including four sailors, which arrived on Monday.

The St. Louis Republican thinks that if the Whigs stand off, there will be a fair prospect for a beautiful contest for United States Senator among the Locofocos of Illinois. From present advices Gen. Shields has lost several friends, while Breese men have been elected in their places. Col. McClernand, of Shawneetown, is also a candidate, but his supporters are few. There is no telling how things will result.

EXPEDITION OF SIR JOHN FRANKLIN.—The Cleveland Plaindealer of the 5th instant has a letter dated "St. Marie river, September 25th," announcing the arrival of Sir John Richardson from the fruitless search after the lost Polar expedition of Sir John Franklin, of whose dreadful fate among the icebergs of the Arctic ocean, there is little or no room to doubt. Sir John Richardson having failed to find even the remotest clue to the Franklin Expedition, is now on his way back to England. He left there in April, 1848; and from the Sault Ste. Marie has made the voyage in canoes and boats and overland, a distance of three thousand five hundred miles and back, by the way of the Lake of the Woods, and Mackenzie's river. After reaching the Arctic Ocean, they travelled five hundred miles along the coast. He speaks confidently of the existence of a northern passage; its practicability, he says, is another question, the summer being only from thirty to sixty days long. He goes by way of Toronto and Montreal to Boston.

## THE COURT OF APPEALS.

Mr. Editor.—I observe that one of your correspondents has recently made some very sensible suggestions to the convention, against the proposition now before that body to require the Court of Appeals to sit at four different points in the state. I think every thing he has said must commend itself to the good sense of the delegates; but he has not exhausted the subject, and I beg leave to state a few facts by way of additional suggestions:

1. At the last term (summer term of 1849) there were 367 cases set for trial, 315 of which were ready. Of these 315 that were heard, 288 were decided, and 27 held under advisement. This shows a promptness in deciding cases such as is equalled in but few if any of our sister states; and is far greater than can be expected, if the court is required to sit in four different places, and compelled to hear and decide (as your correspondent has shown will be the case) one third more cases, with far less facilities for examining questions of law.

2. To the 367 cases upon the docket, the names of 188 different lawyers were marked. Of these 13 live in Franklin county, and the remaining 175 in 53 other counties of the state. During the term, 54 lawyers residing in other counties than Franklin personally attended the sitting of the court, at different times. This shows that there is no monopoly of the business by lawyers of any particular place.

3. Not one case in ten is argued orally; nearly all are submitted upon written arguments. The lawyers residing in Frankfort, who could do so without any inconvenience, make but few oral arguments in this court; the result of experience and observation being that it is generally best to rely upon a carefully prepared brief. And this is reasonable; for as cases are generally not decided for a week or two—sometimes not for several months—after they are argued or submitted, it is impossible that the court should from recollection have the arguments and authorities adduced in a speech as distinctly before them, as if they were in their hands in writing. This being so, the lawyer here has no advantage in argument, over a lawyer at a distance. The latter can prepare his argument at his office, and mail it to the clerk, and be thereby as efficiently heard in his case as if he were personally in court. But if lawyers wish to be present at the trial of their cases, there is in fact no great difficulty found in it. Lawyers now practice in it from all parts of the state—from Carter and Greenup to Hickman and Fulton, and from Knox to Kenton. The cases are all set for particular days, and all from the same section are set together. The lawyers concerned select the time, and the cases are fixed to suit them, so that they may attend in person, if they choose. One fact which happened during the last term will give an idea of the convenience of this arrangement. On the evening preceding the day for which the cases from Mason county were set for trial, Mr. Bond of Maysville, inquired, by telegraph, "Are the court up with the docket?" An affirmative answer was given. Next morning he and Mr. McClung appeared in court, and argued the important case of Triplett vs. McCormack.

4. Branching the court will make no saving of expense in sending records and briefs by mail. Postage is the same for any distance under 300 miles, and very few points in the state are more than 300 miles from Frankfort. One dollar will give the postage on a record of 100 pages and a written argument, from almost any county.

5. As already stated, 54 lawyers residing out of Franklin county attended at the last term, and that too in a season when the cholera doubtless kept many at home. If the court sat in four different places, the greater part of the five or six hundred in the state would attend. Nearly all contested cases would be brought up. At present more than half that are brought up are affirmed—that is, they are brought up without any good reason. Under the proposed change, it is probable that so many would be inconsiderately brought up, that three-fourths of them would be affirmed. Thus a vast burden of unnecessary costs would be imposed upon the parties, and the community annoyed and injured by a great increase of litigation.

6. This proposed change in the place of holding the Court of Appeals, is a change for which the people have not asked. That the court sit only in one place has never been mentioned among the grievances which the convention was called to remedy. The change is not for the benefit of the people. They have not asked for it. Why should it be forced upon them?

7. I beg leave to correct your correspondent's estimate of the value of the public law library in the capitol. His estimate of \$3000 is not half its value. After deducting all the books received gratuitously from congress, &c., there are over 1500 volumes of law books there, all useful and valuable. Four dollars per volume is a very low estimate for their cost or value. This shows the library to be worth at least \$6,000. Yet this library is not as large as it should be for the use of the court. Many important and valuable recent works are not in it. The court very frequently are referred to books as authorities which they cannot get. At the very last term, the Secretary of State sent to one of the eastern states for a book which they wished to examine in deciding a very important case. At least one thousand dollars more should be expended upon the library to make it such as the Court of Appeals of Kentucky should be furnished with. And where are four such libraries to be obtained to supply the court at the four different points where it is proposed to require it to sit?

THE SCARCITY OF WOMEN in California is taken advantage of by the unmarried females of the Mexican States in that vicinity, who are finding husbands in plenty among the gold seekers.

FATAL ENCOUNTER.—On Saturday night last, as we learn on reliable authority, a fatal encounter occurred in Woodford county, on the Versailles turnpike, about three miles this side Versailles, between a free negro named Sam Waters, and a white man by the name of Lytle Stevenson. The facts, as nearly as they have yet been ascertained, are as follows: Stevenson came to the house of Waters late at night, knocked for admittance. The latter went to the door and opened it, and as he says, Stevenson struck him several blows with a stick; whereupon he attempted to push Stevenson from his door, and while engaged in the effort, some one shot Stevenson from the outside. The ball passed through his heart, and he expired immediately. The manner of latter death, as the jury was called, which, after investigation, the matter returned a verdict that Stevenson came to his death by a shot fired by Waters. The latter is now in jail, awaiting his trial.

THE SCARCITY OF WOMEN in California is taken advantage of by the unmarried females of the Mexican States in that vicinity, who are finding husbands in plenty among the gold seekers.

FATAL ENCOUNTER.—On Saturday night last, as we learn on reliable authority, a fatal encounter occurred in Woodford county, on the Versailles turnpike, about three miles this side Versailles, between a free negro named Sam Waters, and a white man by the name of Lytle Stevenson. The facts, as nearly as they have yet been ascertained, are as follows: Stevenson came to the house of Waters late at night, knocked for admittance. The latter went to the door and opened it, and as he says, Stevenson struck him several blows with a stick; whereupon he attempted to push Stevenson from his door, and while engaged in the effort, some one shot Stevenson from the outside. The ball passed through his heart, and he expired immediately. The manner of latter death, as the jury was called, which, after investigation, the matter returned a verdict that Stevenson came to his death by a shot fired by Waters. The latter is now in jail, awaiting his trial.

THE SCARCITY OF WOMEN in California is taken advantage of by the unmarried females of the Mexican States in that vicinity, who are finding husbands in plenty among the gold seekers.

GEN. SANTA ANNA'S APPEAL.—The New Orleans Picayune has received a copy of a work just published in that city, called an "Appeal to the good sense of nations and foreigners," by Gen. Santa Anna, containing the defence of the ex-President of Mexico, against certain charges preferred against him by Senor Don Roman Gamboa, on the 17th of August, 1847, relative to his conduct during the time he held power in that country, and particularly while he commanded the army operating against the Americans. This appeal includes various documents of the greatest importance to history, several of which were never before published. It is a compilation of what Santa Anna offered in his defence before a court of inquiry. The whole, adds the Picayune, has been carefully translated and prepared for the press in English, by Mr. Diego Morphy, of New Orleans, a gentleman whose talents will justify the choice made by Gen. Santa Anna.

HONESTY IS THE BEST POLICY.—It is evident, from the continued silence of the *Union* on the subject of the Poussin difficulty, that it sees the injustice and absurdity of the course which it has pursued in that matter in its zeal to defend its "foreign relations." Yet it has not the honesty to acknowledge its error, and permits its gross imputations against Commander Carpenter to remain uncorrected.

One of the "vigorous writers" of the *Union* spoke approvingly, the other day, of "that simple but noble maxim, honesty is the best policy." This was a queer use of adjectives, even for the "foreign relations." It is undoubtedly true that honesty is the best policy; and if the *Union* cannot be induced to be honest from any nobler consideration, we trust that the recollection of this maxim will not be without avail.—*Republic*.

LIBERTY IN FRANCE.—The existing phase of the French Republic, is thus described by Mr. Bayard, editor of the *New York Post*, who is now in Paris:

At present there is very little political liberty in France, except the liberty of suffrage. The police can seize the printed sheets of any journal containing expressions which the government happens to dislike, and prevent its circulation. The law punishes with severe penalties the vague offence of printing and publishing anything which is calculated to bring hatred and contempt on the government, and therefore a trial by jury is allowed in such cases; all the jury has to do, is to say whether the obnoxious article was published or not; the judges, who are the creatures of the government, decide whether the law is violated or not. There is no chance therefore, of escape, when the government has marked out its victim. People are arrested and detained, by order of the government, and there is no process like that of our *habeas corpus*, to deliver them. If, confined on a frivolous or inefficient pretext, they are subjected to the humiliating to express public opinions on political questions, in addresses and resolutions, or we should have seen the entire people moving on the Roman question. In short, here is a government, with popular forms, conducted in the worst spirit of oligarchy, and allowing ample scope for the exercise of the most capricious tyranny.

F. A. Lumsden, Esq., one of the editors of the *New Orleans Picayune*, has been nominated by the Whigs as a candidate for the lower house of the legislature in the fourth district, New Orleans.

## SPECIAL NOTICES.

Dr. THOMAS respectfully invites any person or persons who may be afflicted with Headache, Toothache, Backache, Rheumatic, Neuralgic, or Sciatic Pains, to call at his room, No. 2, SHELLS HOUSE, where he will take pleasure in giving them relief and comfort, and that in a very few minutes. The Doctor will probably not remain in our city longer than Sunday morning next, therefore, persons wishing to see him personally, had better call soon, so that they may have a little time to test his means whilst he is here.

Our friend WEILER, of the Fashionable Clothing Emporium, Brown's buildings, advertises that he has "taken the batteries," of all the opponents in his line. How far this may be true we are not prepared to determine—certain it is, however, that he has on hand a very large and beautiful assortment of ready made clothing, which he offers to all men, upon the most accommodating terms. His stock is well selected, and we do not doubt, is all that is represented to be. Call and see him, therefore, all the naked and ill-clad, and be clothed.

A few copies of the *New York Debates* just received and for sale at Todd's Bookstore, St. Clair street.

We invite the attention of the farmers to the advertisement of JOYCE & WALSTON, who desire to purchase a large quantity of Rye and Barley, and will pay the highest price for the same.

Members of the Convention desiring copies of the debates in the New York Constitutional Convention, can procure them by leaving their names with the Clerk of the Commonwealth office.

THE LOUISVILLE DAILY COURIER.—The Louisville Morning Courier will be furnished to Members of the Convention, and others, for any length of time, at the rate of 50 cents per month. Subscriptions received by H. M. McCARTY, at the Shields House.

PILGRIM ENCAMPMENT, No. 4, I. O. O. F., meets every 2d and 4th Thursday night each month, at the Old Fellows Hall. Visiting Patriarchs are invited to attend.

HUMPHREY EVANS, S.

PHENIX LODGE, No. 28, I. O. O. F., Frankfort, Ky., meets every Wednesday night. Visiting Brothers in good standing are invited to attend.

Hall over the City Drug Store.

BENJAMIN LUCKETT, Sec'y.

MARRIED.

In the Episcopal Church, Danville, Kentucky, by Rev. M. P. Maury, on Sunday, the 7th inst., MICHAEL T. CHRISTMAN, Esq., to Miss ELIZABETH TOMPKINS, daughter of John Tompkins.

In this county, on the 16th inst., by Rev. J. L. Waller, Mr. JOHN J. BERRY, Jr., to Miss LUCINDA BOWEN.

DIED.

On the 12th inst., at the residence of her son, in Scott county, Mrs. LYDIA FERGUSON, in the 77th year of her age.

## BOOKS!! BOOKS!!!

### CHEAP READING.

A LARGE assortment of Novels, Magazines, &c., got up in a cheap and popular form, are kept on hand at the Counting Room of the Commonwealth Office. Just received an additional supply of James' last Novel, the Woodman; the East of the Caxtons; by Bulwer; Recollections of Anthony, by Dumas; Jenny Lind, by Miss Hendricks, &c. &c.

H. B. FAIRBANK.

October 15.—4f

Frankfort and Cincinnati Packet.

The superior Steamer, DIANA, B. H. Pray, Master, will run as a regular packet between Frankfort and Cincinnati, on Monday and Friday, at 10 A. M. Will leave Frankfort every Thursday evening at 3 P. M. Leaves Cincinnati for Frankfort every Sunday, at 10 A. M. For Frankfort and Oregon every Wednesday, at 10 A. M.

For freight or passage apply on Board, or to LAZ. LINDSEY, Agent.

Regular Louisville Packet.

THE PACKET SEA GULL will resume her former days of departure, Leaves Frankfort every Sunday at 8 o'clock. Leaves Oregon same day at 9 o'clock. Leaves Frankfort every Sunday and Wednesday at 9 o'clock.

For freight or passage apply on board or to JNO. WATSON & Co.

Regular Louisville Packet.

THE PACKET BLUE WING will resume her former days of departure, Leaves Monday's Landing every Monday at 10 o'clock. Leaves Frankfort every Tuesday and Friday at 9 o'clock.

For freight or passage apply on board or to JNO. WATSON & Co.

Oysters! Oysters!!

FRESH BALTIMORE OYSTERS.

T. P. PIERSON.

HAVING been appointed agent for one of the best Baltimore Oyster Lines, is prepared to furnish as good an article as can be obtained in market, in any quantity.

He has also fitted up his Ice Cream Saloon as an Oyster Room, in an elegant style in Frankfort, and is prepared to serve up these delicious bivalves in all forms, on the shortest notice.

Frankfort, Oct. 16, 1849.—4f.

STOUGHTON'S RESTAURANT.

Corner of Main and Ann-Streets, nearly opposite the Weisiger House.

Is now open for the Season. None but the best Liquors are to be found at this establishment.

Fresh Baltimore Oysters.

Are kept constantly on hand, and served up in the best style, at any hour of the day or night. They come to us direct from the water, and are very superior.

Mr. S. is prepared to give Dining or Supper Parties to gentlemen whenever desired.

Frankfort, Oct. 3, 1849.

Oysters! Oysters!!

JUST received, one Refrigerator.

Fresh Baltimore Oysters, packed in ICE, in excellent order, and for sale by GRAY & GEORGE.

Agents for Baltimore and Ohio Oyster Company.

Oct. 1, 1849.

Apples.

25 BBLs. in store and for sale by TOIDD & CRITTENDEN.

THE BATTERY TAKEN!!!

THE ENEMY FLED AFTER THE FIRST GUN!!!

S. WEILER & CO.,

No. 3, BROWN'S BUILDING,

St. Clair Street, Frankfort, Ky.

ARE new in receipt of the largest stock of READY-MADE FINE AND FINEST CLOTHING

ever brought to this Market! The Clothing were made by experienced and skillful workmen, under the direct supervision of the proprietor, and are of the most superior workmanship and style THEY CANNOT BE BEATEN.

Besides the large stock of GENTLEMEN'S CLOTHING, we have Boots, Shoes, Caps, Hats, Umbrellas, Traveling Trunks, Carpet Bags, &c., &c. We have every article necessary to the wardrobe of the gentleman.

These goods are offered very LOW FOR CASH—no one can fail to get a bargain. The cash system we are enabled to sell at very small profits.

It is no trouble to us to show our goods, so that men and boys may have a look at them, and give us a call, and if we fail to trade, no harm is done. We pledge ourselves to sell at reasonable prices, and the articles sold shall be precisely such as we represent them to be.

We are regularly established here, and it is our pleasure as well as our interest, to satisfy our customers.

We have just received a very handsome assortment of Linen Shirts, Merino Drawers, and under Shirts, and Fancy Handkerchiefs, to which we ask especial attention.

Frankfort, Ky., October 13, 1849.

Paste Blacking, Writing Ink, &c.

WE continue, as we have done for ten years past, to manufacture Paste Blacking, Writing Ink, and other articles.

The quality of these articles we warrant equal to any in the country, and the low price at which we now sell our Paste Blacking and Writing Ink, offers inducements to Western Dealers to buy of us, instead of bringing out an Eastern article at a higher cost in the addition of freight, insurance, and other expenses.

## KENTUCKY Collegiate and Military Institute.

FRANKLIN SPRINGS, FRANKLIN COUNTY, KENTUCKY.

FACULTY.

COL. F. W. CAPERS, A. M., President and Superintendent, Professor of Civil and Military Engineering, Philosophy and Astronomy.

HON. THOMAS B. MONROE, Professor of Organic, Constitutional and International Law.

J. D. DEBOW, A. M., Professor of Political Economy, Commerce and Commercial Law.

MAJOR T. LINDSEY, A. M., Professor of Ancient Languages, Logic, Rhetoric and Ancient History.

CAPT. R. G. BARNWELL, A. M., Professor of Modern Languages and Belles Lettres.

CAPT. W. J. MAGILL, Professor of Mathematics.

CAPT. SAM'L P. BASCOM, Post Adjutant.

J. T. DICKINSON, M. D., Surgeon.

Location.—The site of the Institute, Franklin Springs, six miles from Frankfort, is in all respects desirable, apart from all unwholesome influences, whether moral or physical.

Admission.—Applicants for admission, on presenting a certificate of good moral character, and paying the view of including only those branches of Law which belong rightfully to the regular Academic course of every college, and which are in fact necessary to enable the student to understand his own government, with the powers and duties of its citizens and officers, and to make himself the statesman, military lawyer, and accomplished American gentleman; and not with a view to his practice of the Law as a profession.

The class will be constituted of all the Students of the College, and will be engaged in the studies of History and Moral Philosophy, but its exercises will be so conducted as not to interrupt the studies of its members in any of their other classes.

Payable half yearly, in advance.

Institute charge for Board, Tuition, Lights and Washing, per Collegiate year, \$160 00

do do (Preparatory Department), 120 00

French and Spanish Languages, extra, each, 10 00

For more particular information address the undersigned at Kentucky Military Institute, Franklin Springs, Franklin county, Ky.

F. W. CAPERS.

October 16, 1849.—8ds

Fancy and Variety Store!!

MRS. KRESS, Mansion House, St. Clair Street, Frankfort, Kentucky.

IS now receiving a general assortment of MILLINERY GOODS, consisting, in part, of Pearl, Straw and French Lace Bonnets; a general assortment of Ribbons; fine French and common Flowers, Veils, &c. &c. Bonnets of all descriptions made to order in the most fashionable style.

LADIES' FINE DRESS GOODS.

Shawls, Scarfs, Dress Handkerchiefs, Linen Pocket Handkerchiefs, Silk and Cotton Hosiery, Kid and Pigskin Boots, Head Dresses, Tuck and Side Combs, &c., &c. VARIETY GOODS, consisting, in part, of Perfumery; Fancy Soaps; Toilet, Pocket and Fine Combs; Silk and Batiste Purse; Steel, Gilt and Silver Beads, Rings and Tassels for purses; Cloth, Hair and Tooth Brushes; Buttons; Hooks and Eyes; Sewing Silk; Silk for Purse; Cotton Cord; Pink, Acetate, &c., &c., with many other articles in the variety line.

Mrs. KRESS respectfully solicits patronage. She will receive the latest fashions for making bonnets, every month during the season.

October 2, 1849.

MEDICAL DEPARTMENT

OF THE MEMPHIS INSTITUTE,

AT MEMPHIS, TENNESSEE.

THE first Course of Lectures in this Institute will commence on the first of November, and continue until the last of February. The Medical Department will be under the direction of the following Professors:

Dr. FREEMAN, M. D., Professor of Anatomy.

Dr. S. NEWTON, M. D., Professor of Surgery.

Dr. H. B. HARRIS, M. D., Professor of the Theory and Practice of Medicine.

Dr. W. RYAN POWELL, M. D., Professor of Physiology, Pathology, Hygiene, and Dietetics.

Dr. J. KING, M. D., Professor of Materia Medica, Therapeutics and Medical Jurisprudence.

Dr. J. MILTON SANDERS, A. M., Professor of Chemistry and Pharmacy.

Dr. C. M. D., Professor of Obstetrics and Diseases of Women and Children.

Dr. CLYDE LECTURERS.

Medicine—Professor H. J. HULL.

Surgery—Professor R. S. NEWTON.

Dr. P. STILLE, M. D., Anatomical Demonstrator.

The fees for a full course of Lectures amount to \$165. Each Professor's Ticket \$15; Matriculation \$5; Demonstrator's fee \$10. Graduation \$20.

The fees for a full course of Lectures amount to \$165. Each Professor's Ticket \$15; Matriculation \$5; Demonstrator's fee \$10. Graduation \$20.

Those desiring further information, will please address their letters, (post paid) to the Dean; and Students arriving in the city, will please call on him, at the residence of Dr. F. POWELL, No. 17, Broadway, N. Y.

October 10, 1849.—8-6f

Dean of the Faculty.

## MORE NEW GOODS!!

Frankfort Clothing Emporium,

Corner of Main and St. Clair Streets.

SPANGENBERG & PRUETT.

WOULD turn the attention of the public, that having just received their entire stock of NEW GOODS from the East, (where they were selected with great care by an old experienced Merchant), are now prepared to show and sell cheap for CASH, as handsome a selection of CLOTHES, CASSIMERES, SATINETTES, VESTINGS, Fancy Articles, &c., &c., as can be found in the city, and no mistake. Just call and see them, and the articles will tell the tale for themselves. We feel free to say that our stock is as fine as any offered in this market.

Also—On hand constantly, a LARGE AND SPLENDID LOT OF CLOTHING, made up by ourselves, and warranted good.

Strangers visiting our city with a good article in the Clothing line, would do well to give us a call. The fashionable Tailoring Department will be under the immediate direction of Mr. SPANGENBERG, already well known to the public as an experienced and successful Cutter. They will have a full assortment of Cloths, Cassimeres, Vestings, &c., &c., for CUSTOM WORK, which will be sold at reasonable prices.

Remember that the Frankfort Clothing Emporium, corner of Main and St. Clair Streets, is the place to get Good Clothing, CHEAP FOR CASH.

Frankfort, Sept. 18, 1849.—8-4f

WANTED! WANTED!!

THE undersigned are desirous of purchasing Six Hundred Bushels of RYE, and Three Thousand Bushels of WHEAT. They are willing to give the highest CASH price.



